

EXHIBIT 6

PUBLIC VERSION

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION
3

4 -----
5 IN RE: HIGH-TECH EMPLOYEE)
6 ANTITRUST LITIGATION) No. 11-CV-2509-LHK
7 -----
8
9

10 HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY
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13 VIDEOTAPED DEPOSITION OF DANIEL STOVER
14 San Francisco, California
15 Monday, October 29, 2012
16 Volume I
17
18
19

20 Reported by:
21 ASHLEY SOEVYN
22 CSR No. 12019
23 JOB No. 1541285
24

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1	for the plaintiffs.	09:22:19
2	MS. LEEBOVE: Lisa Leebove, Joseph Saveri	09:22:20
3	Lawfirm for the plaintiffs.	09:22:21
4	MS. ZENG: Catherine Zeng from Jones Day on	09:22:23
5	behalf of Adobe.	09:22:25
6		09:22:41
7	Daniel Stover,	09:22:41
8	the witness, after first having been duly sworn,	09:22:41
9	testified as follows:	09:22:41
10		09:22:41
11	EXAMINATION	09:22:41
12	BY MR. KIERNAN:	09:22:41
13	Q. Good morning, Mr. Stover. Can you state	09:22:41
14	your full name for the record, please.	09:22:49
15	A. Daniel Douglas Stover.	09:22:51
16	Q. Okay. And what is your current address?	09:22:53
17	A. 1440 Northwest 64th Street, Apartment 302,	09:22:54
18	Seattle, Washington.	09:23:00
19	Q. Okay. How long have you lived in	09:23:01
20	Seattle?	09:23:02
21	A. Slightly over two years. I moved there in	09:23:04
22	September of 2010.	09:23:10
23	Q. And why did you move to Seattle?	09:23:14
24	A. My wife recently finished graduate school	09:23:17
25	here as a social worker. I was changing careers at	09:23:20

1 the time, it was slightly less expensive there. 09:23:27

2 Q. Understood. 09:23:30

3 A. So I attended a program, getting a degree 09:23:32

4 in fine woodworking. And now I'm doing cabinet 09:23:36

5 making. 09:23:39

6 Q. Is that what -- you mentioned switching 09:23:40

7 careers. Is that what you're solely doing now, is 09:23:42

8 cabinet making? 09:23:45

9 A. Correct. 09:23:46

10 Q. Okay. 09:23:47

11 A. I stay apprised of technology changes and 09:23:47

12 different programming languages as something I could 09:23:52

13 fall back to, but I'm currently not practicing 09:23:56

14 that. 09:23:56

15 Q. When was the last time you were paid for 09:24:02

16 work related to technology? 09:24:05

17 A. I would estimate December of 2010, shortly 09:24:07

18 after I moved to Seattle. 09:24:12

19 Q. And that was when you were working as an 09:24:13

20 independent consultant? 09:24:15

21 A. Correct. 09:24:16

22 Q. Was that the work for -- who were you doing 09:24:18

23 the work for? 09:24:18

24 A. It was for myself. I was working on a 09:24:20

25 project with Bodybuilding.com. It's a company in 09:24:23

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1 testimony, mischaracterizes prior testimony as 13:04:53
2 well. 13:04:55
3 THE WITNESS: It would be another example 13:04:56
4 of where I was not careful about the dates I was 13:04:57
5 using. 13:05:00
6 BY MR. KIERNAN: 13:05:00
7 Q. But you were careful in LinkedIn, right? 13:05:00
8 MS. LEEBOVE: Objection, vague. 13:05:04
9 THE WITNESS: I can't guarantee everything 13:05:08
10 here is exactly right, but it appears I was more 13:05:10
11 careful. 13:05:25
12 BY MR. KIERNAN: 13:05:26
13 Q. And what I'd like you to do, Mr. Stover, is 13:05:26
14 look at 92 and 93 side by side, okay? The resume 13:05:28
15 that you recently sent out for Fulwiler James is 13:05:35
16 dated October 2004 - September 2005, do you see 13:05:40
17 that? 13:05:44
18 A. Yes. 13:05:45
19 Q. All right. And then in your LinkedIn 13:05:46
20 profile, which is Exhibit 93, you've written 13:05:49
21 November 2005 through June 2006, do you see that? 13:05:56
22 A. Yes. 13:06:01
23 Q. Which months did you work for Fulwiler 13:06:03
24 James? 13:06:05
25 A. I don't recall. 13:06:07

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1 your own." 15:04:26

2 And then you responded, "Plaintiff used the 15:04:28

3 following sources of information regarding jobs or 15:04:31

4 compensation other than his own: Cold calls 15:04:33

5 received, co-workers, professional contacts, and 15:04:36

6 Internet researches" -- "resources such as 15:04:41

7 LinkedIn." 15:04:45

8 Is your response to interrogatory number 7 15:04:47

9 complete? 15:04:49

10 A. As far as I recall, yes. 15:05:00

11 Q. And which of these resources did you use to 15:05:04

12 look for job opportunities or keep abreast of job 15:05:08

13 opportunities? 15:05:12

14 A. Yeah, I think I definitely qualified as 15:05:15

15 staying abreast of job opportunities, so I liked 15:05:17

16 LinkedIn and great kind of interactions there. I've 15:05:21

17 already spoken about kind of an informal processes 15:05:28

18 that a co-worker can go through. So cold calls 15:05:32

19 received. I guess that would include both, you 15:05:38

20 know, e-mails I received from recruiters, whether 15:05:43

21 they are internal or external to a company or actual 15:05:47

22 phone calls which are less common. And professional 15:05:50

23 contacts I think I already covered. Discussed the 15:05:58

24 fact that, you know, you work with consultants all 15:06:01

25 the time, which is an exposure to companies outside 15:06:03

1 you. 15:06:10

2 Q. While you were employed at Intuit -- excuse 15:06:11

3 me, did you use the sources that you just identified 15:06:17

4 to keep a breast of job opportunities? 15:06:22

5 A. I did. 15:06:27

6 Q. All right. And on the Internet resources 15:06:29

7 you mentioned LinkedIn. So while you were employed 15:06:31

8 at Intuit, you had a LinkedIn profile? 15:06:37

9 A. Yes, at some point I would have created 15:06:40

10 one. 15:06:42

11 Q. And you used LinkedIn to stay abreast of 15:06:43

12 job opportunities, while you were employed at 15:06:47

13 Intuit? 15:06:49

14 MS. LEEBOVE: Objection, misstates prior 15:06:53

15 testimony. 15:06:55

16 THE WITNESS: Yes. 15:06:56

17 BY MR. KIERNAN: 15:06:57

18 Q. And any other Internet resources, like job 15:06:57

19 boards, for example, Monster.com? 15:07:01

20 A. I'm sure I've looked at various job boards, 15:07:05

21 but I don't recall any specific sites. 15:07:10

22 Q. Do you recall ever visiting Monster.com? 15:07:17

23 A. While I was at Intuit, I don't recall 15:07:22

24 visiting it. I may have. I know at some point 15:07:24

25 early in my career, you know, I had an account 15:07:28

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1 MS. LEEBOVE: Objection, calls for a legal 15:40:53
2 conclusion. 15:40:54

3 MR. KIERNAN: I have to know, which legal 15:40:54
4 conclusion, e-mail? 15:40:57

5 MS. LEEBOVE: You're using the word "cold 15:40:58
6 call," and I'll continue to object to it. And like 15:41:02
7 you said, my objections don't matter to you so go 15:41:06
8 ahead. 15:41:06

9 MR. KIERNAN: Okay. Go ahead, Mr. Stover. 15:41:07

10 THE WITNESS: I have no specific 15:41:08
11 recollection of receiving any recruiting efforts 15:41:09
12 while at Intuit. 15:41:15

13 BY MR. KIERNAN: 15:41:20

14 Q. As you sit here today, the approximate 40 15:41:21
15 calls that you received, you don't know what 15:41:24
16 percentage were phone calls versus e-mails or 15:41:28
17 in-mail through LinkedIn; is that accurate? 15:41:33

18 A. In terms of proportion, I mean, only five 15:41:36
19 percent maybe were phone calls. As I said, it's 15:41:41
20 kind of a memorable thing to see. 15:41:45

21 Q. With respect to the phone calls, did you 15:41:50
22 make any efforts to screen the calls so you didn't 15:41:54
23 have to pick it up and -- 15:41:57

24 A. No desire at all to talk to him. 15:41:58

25 Q. Why is that? 15:42:03

1 A. I mean, it's not really a method that -- 15:42:03
2 you know, it probably indicates kind of a lack of, 15:42:05
3 you know, respect and kind of an unprofessional way 15:42:09
4 to go about finding someone. 15:42:15

5 Q. The cold phone call? 15:42:16

6 A. I mean, particularly, in Silicon Valley now 15:42:19
7 that you have sites like LinkedIn, yeah. It doesn't 15:42:21
8 really show a lot of effort in terms of myself, it's 15:42:24
9 just kind of a random screening. 15:42:29

10 Q. Do you recall ever having a conversation, 15:42:32
11 you know, that was -- that was part of a cold call 15:42:35
12 by telephone? 15:42:38

13 A. I -- 15:42:39

14 MS. LEEBOVE: Objection, calls for a legal 15:42:39
15 conclusion, vague and ambiguous. 15:42:42

16 THE WITNESS: I don't recall having a 15:42:45
17 specific conversation. I remember listening to 15:42:47
18 e-mails, but I probably -- or not e-mails, voice 15:42:49
19 mails, but I don't have any specific examples. 15:42:50

20 MR. KIERNAN: Oh, excuse me. Am I still 15:43:10
21 connected? 15:43:11

22 THE VIDEOGRAPHER: Yeah. 15:43:15

23 MR. KIERNAN: Sorry about that. 15:43:15

24 BY MR. KIERNAN: 15:43:16

25 Q. What was your feeling about the e-mails 15:43:16

1 that you received in LinkedIn or e-mails? In other 15:43:21
2 words, did you take those more seriously or -- 15:43:26

3 A. I would -- I would scan them. 90 percent 15:43:34
4 or thereabouts were from organizations I wasn't very 15:43:37
5 interested in or random recruiters. So 15:43:44
6 occasionally, there may be one from a particular 15:43:49
7 company that would pop up for me and peak my 15:43:51
8 interest, but I wasn't really actively looking for 15:43:59
9 another position while I was working at Intuit, so 15:44:01
10 those ones that did peak my interest I would note 15:44:04
11 and probably write them back thanking them. 15:44:08

12 Q. As you sit here today, do you recall any 15:44:17
13 that peaked your interest, while you were employed 15:44:19
14 at Intuit? 15:44:19

15 A. I don't have any specific recollection. 15:44:23

16 Q. And -- but you think about 90 percent were 15:44:34
17 from companies that you weren't interested in, which 15:44:42
18 would leave about 10 percent of companies that you 15:44:46
19 may be interested in? 15:44:50

20 A. As an estimate. 15:44:52

21 Q. Do you recall any of the companies that 15:44:59
22 would fall into the ten percent ones that you would 15:45:03
23 be interested in pursuing a job opportunity? 15:45:06

24 A. While I was working at Intuit, I would be 15:45:11
25 guessing at this point. 15:45:22

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1 or to look at as a reference point in determining 16:30:04
2 what you should be paid at Intuit? 16:30:08
3 A. At times, yes. 16:30:14
4 Q. At times? 16:30:15
5 A. Yes. 16:30:16
6 Q. How often? 16:30:16
7 A. I really could not say. 16:30:23
8 Q. Throughout your employment at Intuit? 16:30:27
9 A. I can't say when I started looking, but 16:30:30
10 yeah. Sometimes I might look once a month, 16:30:33
11 sometimes I might look once a year. 16:30:36
12 Q. How many times while you were employed at 16:30:38
13 Intuit did you try to negotiate a higher 16:30:40
14 compensation? 16:30:43
15 A. Once -- once. 16:30:44
16 Q. Once. The time that we've been talking 16:30:47
17 about with Ravi? 16:30:49
18 A. Five -- four or five-month period. 16:30:51
19 Q. Before you quit in December of 2009? 16:30:58
20 A. Correct. 16:31:03
21 Q. Okay. You mentioned rates within Intuit 16:31:04
22 that contractors charge. What contractors did you 16:31:12
23 use as a reference point? 16:31:20
24 A. There is one specific example I can give 16:31:40

1 that would be in terms of a skill set, I'm quite 16:58:40
2 confident there are particular roles there that I 16:58:46
3 could have filled competently. 16:58:49

4 Q. What I'm trying to figure out, Mr. Stover, 16:58:51
5 is if you were only qualified to work at Intuit 16:58:53
6 because of their particular needs, or if you were 16:58:56
7 qualified to work at other companies and what types 16:59:02
8 of companies. I'm not trying to trick you, sir. If 16:59:04
9 you think you're not qualified, that's -- I'm happy 16:59:08
10 with that testimony too. 16:59:10

11 A. The one caveat I'm looking at is, you know, 16:59:11
12 I don't have a degree, right, so some companies will 16:59:15
13 filter me out based on that. But beyond that, if 16:59:19
14 there was a company like a culture like Intuit to 16:59:26
15 where that's not critical and they're more 16:59:30
16 interested in the work you're doing, I'm pretty 16:59:31
17 confident I could work a lot of different places. 16:59:34

18 Q. Do you know of any other companies that 16:59:41
19 have what you referred to as large scale e-commerce 16:59:42
20 sites? 16:59:47

21 A. I mentioned Adobe. I think looking at the 16:59:48
22 consulting positions I had after I left would be 16:59:54
23 useful to kind of -- 17:00:01

24 Q. So Kodak? 17:00:02

25 A. Kodak, ATG. I think I'm going to -- I'll 17:00:03

1 narrow this down specifically, and I'll say people 17:00:20
2 who are using ATG because that is what I specialize 17:00:23
3 in as a consultant. 17:00:32

4 Q. And is it fair, Mr. Stover, that you were 17:00:51
5 not limited to any particular type of industry with 17:00:52
6 respect to what you were qualified to work on? 17:00:55

7 A. I could not completely qualify that. I can 17:01:12
8 say that whether you're selling software, or you 17:01:16
9 know, some kind of product catalog, I mean, I am 17:01:24
10 quite sure there are industries that I would not be 17:01:27
11 qualified to work in. 17:01:30

12 Q. But if it's a company that uses an 17:01:34
13 e-commerce site, particularly ATG, you would have 17:01:40
14 been qualified to work on the web applications? 17:01:44

15 A. Again, I prefer to qualify that as a web 17:01:48
16 developer. 17:01:53

17 Q. As a web developer. 17:01:53

18 A. Yeah. 17:01:57

19 Q. But you were only able to name three such 17:01:57
20 companies, correct? 17:02:00

21 MS. LEEBOVE: Objection, misstates prior 17:02:01
22 testimony. 17:02:02

23 BY MR. KIERNAN: 17:02:02

24 Q. Well, you can add to it. I just want to 17:02:02
25 make sure. You mentioned Adobe, Kodak Gallery, ATG, 17:02:04

1	you were working at Intuit, given your	17:03:05
2	qualifications and skill set?	17:03:15
3	A. I would say relatively broad.	17:03:16
4	Q. And was it limited to Silicon Valley,	17:03:18
5	California?	17:03:23
6	MS. LEEBOVE: Objection, vague.	17:03:23
7	THE WITNESS: I'm sure that it was not.	17:03:31
8	BY MR. KIERNAN:	17:03:36
9	Q. You think your skill qualifications were	17:03:36
10	portable to companies on the east coast? Is that	17:03:39
11	your testimony?	17:03:42
12	MS. LEEBOVE: Objection, misstates his	17:03:42
13	testimony.	17:03:44
14	THE WITNESS: I'm sure there are companies,	17:03:45
15	yes.	17:03:47
16	BY MR. KIERNAN:	17:03:48
17	Q. Did you have any restrictions with respect	17:03:48
18	to where you would work geographically?	17:03:51
19	A. Beyond personal choice, no. Well, can I	17:04:01
20	qualify that?	17:04:12
21	Q. You can. Please.	17:04:13
22	A. You said "geographically." That kind of	17:04:19
23	encompasses the whole world, right?	17:04:22
24	Q. Yeah.	17:04:23
25	A. So I probably would not get a Visa to work	17:04:23

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1 State OF CALIFORNIA) ss:
2 COUNTY OF MARIN)
3

4 I, ASHLEY SOEVYN, CSR No. 12019, do hereby
5 certify:

6 That the foregoing deposition testimony was
7 taken before me at the time and place therein set
8 forth and at which time the witness was administered
9 the oath;

10 That the testimony of the witness and all
11 objections made by counsel at the time of the
12 examination were recorded stenographically by me,
13 and were thereafter transcribed under my direction
14 and supervision, and that the foregoing pages
15 contain a full, true and accurate record of all
16 proceedings and testimony to the best of my skill
17 and ability.

18 I further certify that I am neither counsel for
19 any party to said action, nor am I related to any
20 party to said action, nor am I in any way interested
in the outcome thereof.

21 IN THE WITNESS WHEREOF, I have transcribed my
22 name this 2nd day of November, 2012.
23
24

25 
ASHLEY SOEVYN, CSR 12019